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10/800,376	03/12/2004	Dinendra V. Joshi	SLX-001	8874

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EXAMINER	
CHEN, TE Y	

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2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/800,376	JOSHI ET AL.	
	Examiner	Art Unit	
	Susan Y. Chen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on May 23, 2007.

Claims 1-5 and 7-19 are pending for examination. Claims 1, 9, 12-16 and 18 have been amended; claim 6 has been canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 12-16 and 18, are rejected under 35 U.S.C. 102(b) as being anticipated by Horowitz et al. (U.S. Patent No. 6,349,290).

As to claims 1, 7, 9, and 18, Horowitz et al. (hereinafter referred as Horowitz) discloses a system to access a plurality of disparate data sources including an archive database and a current database [e.g., the use of OLTP to access heterogeneous data over Oracle universal data server and Oracle transparent gateways at col. 35, lines 53 – col. 36, lines 4] , comprising:

a. identifying the mode in which accessing to the plurality of data sources is required, the mode being either simultaneous or independent access to the data sources [e.g., the system allows either the universal simultaneous access or touch point access into the backbone system on which the knowledge based system will learn from the system's usage and identify if it is a simultaneous or touch-point independent backbone accessing at col. 19, lines 28-50];

b. receiving a data query, the data query being a single request for data access [e.g., col. 25, lines 10-41];

c. converting the query to a format capable of facilitating access to disparate data sources in accordance with the identified mode of data access [e.g., Fig. 12 and associated texts; col. 25, lines 37-53 & col. 26, lines 44-56];

d. routing the converted query to at least one of the plurality of data sources [e.g., col. 13, lines 38-42, Fig. 32 and associated texts];

e. retrieving data from the plurality of data sources in response to the routed query [e.g., col. 32, lines 14-24];

f. presenting the data retrieved from the disparate sources in an integrated format [e.g., col. 26, lines 44-56]; and

g. integrating the query results from the current and archive databases [e.g., col. 26, line 66 – col. 27, line 9, Fig. 7 and associated texts].

As to claims 2 and 10, the combined system of Horowitz and Dessloch further discloses the step of receiving the responsibility assumed by a user, the responsibility

Art Unit: 2161

indicating user preference with respect to data access, the user preference being either to simultaneously access the data sources or independently access at least one of the data sources [e.g., Fig. 23 and associated texts].

As to claims 3 and 8, the combined system of Horowitz and Dessloch further discloses the received data query is a SQL statement [e.g., col. 35, lines 59-62].

As to claim 4, the combined system of Horowitz and Dessloch further discloses the data sources are relational databases, data items in each relational database having multiple attributes and relationships with other data items of the database [e.g., col. 36, lines 22-23].

As to claim 12, the combined system of Horowitz and Dessloch further discloses the current database having live data stored in it [e.g., col. 4, lines 54-58, col. 36, lines 1-4, Units: 66, 44, Fig. 7].

As to claim 13, the combined system of Horowitz and Dessloch further discloses the archive database having historical data stored in it [e.g., col. 4, lines 48-53, col. 36, lines 1-4, Units: 68, 44, Fig. 7].

As to claims 14-16, these claims recite the same features as claims 1-13 in form of enterprise application with different words, hence are rejected for the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 11, 17 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. (U.S. Patent No. 6,349,290) in view of Dessloch et al. (U.S. Patent No. 6,901,409).

As to claims 5, 11, 17 and 19, Horowitz further discloses the steps of:

a. constructing a plurality of new queries, each new query corresponding to at least one data source as specified for access in accordance with the user responsibility, the new query being capable of extracting data from the corresponding data source [e.g., col. 3, lines 58- col. 4, lines 58, Fig. 12 and associated texts].

Horowitz does not explicitly recite the step of integrating the newly constructed queries to form a union query.

However, Dessloch et al. (herein after referred as Dessloch) explicitly cites the step of integrating the newly constructed queries to form a union query [e.g., col. 4, lines 57- col. 5, line 63].

Horowitz and Dessloch are both of the same endeavors to optimize seamless access to a plurality of disparate data sources via a single data object [e.g., the token processing of Horowitz, the abstract & Fig. 1 of Dessloch], thus, with the teachings of Horowitz and Dessloch in front of him/her, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to incorporate the well known integrating technique into Horowitz's system, because by doing so, as suggested by Dessloch the combined system would be upgraded to "provide a method and a system which can map disparate data residing in multiple data sources into a single, reusable software component, accessible to application developers. This would simplify the design, development, and maintenance of applications and, in some cases, provide applications with a function that would otherwise be inaccessible" [e.g., col. 2, lines 63 – col. 3, lines 2].

Response to Arguments

Applicant's arguments based on newly amended claims filed on May 23, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receipt of the data query to access current and archive database in the independent and simultaneous mode) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, even if the argued limitations were in the claims they are met by the disclosure cited by Horowitz at col. 19, lines 28-50, wherein, Horowitz clearly disclosed that his system allows either the universal simultaneous access or touch- point independent access into the backbone system on which the knowledge based system will learn from the system's usage and identify the accessing mode accordingly.

Furthermore, the examiner disagrees with applicant's arguments that "Horowitz does not teach or suggest the conversion of a query into two or more data queries, to access two or more data sources in the simultaneous mode of the access."

In response to these arguments that the references fail to show certain features of applicant's invention, it is noted again that the features upon which applicant relies (i.e., conversion of a query into two or more data queries, to access two or more data sources in the simultaneous mode) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, in contrary to applicant's arguments, as shown by Horowitz in Fig. 12, the market device engine reads various user's inputs from a plurality of devices, including customer's token data from the token process and the bank's data, etc, parses the read information, prepares advices, modifies the interaction screen including the responding voice, colors and possible music responses based on the characterized

token data and formats the presentations of various devices [e.g., S11-S15, Fig. 12, col. 26, lines 14 - 56] are definitely read on the claimed conversion limitations.

As to the rest of arguments, applicant merely rehashes issues already addressed on record. Thus, based on the discussion above, the 35 U.S.C. 102(b) & 103(a) rejections are sustained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2161

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
Art Unit 2161



July 27, 2007